



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to

Attn. of: SERO POLICY

August 4, 2005

Subject: Policy Memorandum 245.06-20: Agreement Checklist for Direct Certification and Direct Verification of Children in Food Stamp Households – Reauthorization 2004 – Implementation Memo

To: All State Directors
National School Lunch Program (NSLP)
School Breakfast Program (SBP)
Southeast Region

This policy memorandum was previously issued directly to State Agencies (SAs) on April 19, 2005. We are issuing this memorandum to incorporate this policy into the Southeast Region Office (SERO) numbered policy system.

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) requires school districts to directly certify any child who is a member of a household receiving assistance under the Food Stamp Program for free school meals. Public Law 108-265 also gives school districts the option of using data available from the Food Stamp Program, in addition to other means tested programs specified in the law, to verify eligibility for free or reduced-price meals. In order to carry out these requirements, each State agency that administers the school meals programs and the State Food Stamp agency must enter into an agreement to establish direct certification and verification procedures.

The Child Nutrition Division, in conjunction with the Food Stamp Division, convened a work group on January 26–27, 2005, to examine issues surrounding certification and verification as a result of the provisions of Public Law 108-265. One of the outcomes of the meeting was a request for Food and Nutrition Service (FNS) to develop the attached checklist of elements that an agreement between SAs should contain. Please note that the direct certification requirements on school districts are phased in over time with full implementation being realized by July 2008. However, the statute requires all States to have a signed agreement by July 2005. Optional direct certification continues to be available to all school districts, regardless of size, during the implementation of mandatory direct certification.

Please note that the agreement must also establish that the Food Stamp agency must cooperate in carrying out direct verification for free and reduced-price school meals. Effective July 1, 2005, school districts, at their option, may obtain and use income and program participation information from public agencies administering certain programs, including Food Stamps, to verify eligibility for free and reduced-price meals. If the

household's eligibility is verified through these means, the family does not have to be contacted. Therefore, State agreements must include provisions relevant to Food Stamp administration on how local level requests for "direct verification" will be handled by the respective SAs.

Should you have any questions please contact the Southeast Regional Office.

PEGGY FOUTS
Regional Director
Special Nutrition Division

Attachments

Ref: Issued by CND – 04/19/2005 – Agreement Checklist for Direct Certification and Direct Verification of Children in Food Stamp Households – Reauthorization Memo – SP - 14

Attachment A

Agreement Checklist

Checklist of items that could be included for Direct Certification and Direct Verification Agreements

STATE FOOD STAMP AND CHILD NUTRITION AGREEMENT

☞ **Purpose of agreement**

Example: This agreement sets out the requirements for Direct Certification and Direct Verification in consideration of the Child Nutrition and WIC Reauthorization of 2004 (Public Law 108-265) for the agencies administering the Child Nutrition Programs and the Food Stamp Programs.

☞ **Parties to agreement**

Example: Name of Child Nutrition State agency and the Food Stamp State agency.

☞ **Programs covered**

Example: Food Stamps, National School Lunch, School Breakfast, Special Milk.

☞ **Authority**

Example: This agreement is authorized by the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265), Section 9(b) of the Richard B. Russell National School Lunch Act and Section 11 of the Food Stamp Act.

☞ **Duration**

Example: This agreement is effective_____ and is permanent unless amended. This agreement may be amended as needed, for example: as technology changes.

☞ **Direct Certification Procedures**

☞ **Description of data process**

Example: How data will be exchanged and what constitutes a match, e.g. name, social security number and other identifiers.

☞ **Frequency of match**

Example: Whether transmittal of data will occur monthly, quarterly or annually.

☞ **Data fields/format requirements for match or data transfer**

Example: Name, zip code; ASCII text or spreadsheet, etc.

☞ **Direct Verification Procedures**

☞ **Description of data process**

Example: How data will be exchanged and what constitutes a confirmation of income eligibility.

☞ **Timeframe for match**

Note: School districts must complete verification by November 15 each year.

☞ **Data fields/format requirements for match or data transfer**

Example: Name, zip code; ASCII text or spreadsheet, etc.

☞ **Funding provided by each agency**

☞ **Confidentiality assurance**

☞ **Additional terms and conditions**

☞ **Signatures**

Example: State Food Stamp Agency and State Child Nutrition Agency Representatives,
including titles and date signed.

Attachment B

Legal authority for agreements for Direct Certification under the Food Stamp and the National School Lunch Acts

National School Lunch Act: Section 104(a) of the Reauthorization Act added at the end of subparagraph (D) to Section 9(b) of the National School Lunch Act the following:

(4) DIRECT CERTIFICATION FOR CHILDREN IN FOOD STAMP HOUSEHOLDS.

(A) **IN GENERAL** -- Subject to subparagraph (D), each State agency shall enter into an agreement with the State agency conducting eligibility determinations for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(B) **PROCEDURES** -- Subject to paragraph (6), the agreement shall establish procedures under which a child who is a member of a household receiving assistance under the food stamp program shall be certified as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

(C) **CERTIFICATION** -- Subject to paragraph (6), under the agreement, the local educational agency conducting eligibility determinations for a school lunch program under this Act and a school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall certify a child who is a member of a household receiving assistance under the food stamp program as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

Food Stamps: Section 104(b) (2) of the Reauthorization Act added the following Paragraph (u) to Section 11 of the Food Stamp Act:

(u) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—

(1) **IN GENERAL** -- Each State agency shall enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) CONTENTS.--The agreement shall establish procedures that ensure that—

(A) any child receiving benefits under this Act shall be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application; and

(B) each State agency shall cooperate in carrying out paragraphs (3) (F) and (4) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).